



#11
PATENT
2959-0104P
CD
10/8/02

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tom J. Whitaker Conf.: 8300
Appl. No.: 09/955,037 Group: 1634
Filed: September 19, 2001 Examiner: F. Wu
For: DETECTION OF UNLABELED DNA AND RNA
USING RESTRICTION ENZYME DIGESTION

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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

September 26, 2002

Sir:

In reply to the Restriction Requirement dated July 26, 2002, the due date having been extended for one (1) month, the following remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Claims 1-15 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-14, drawn to a nucleic acid probe; and

Group II, claim 15, drawn to a method of determining the presence of a target nucleic acid.

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For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-14. Applicants further elect the species of chemiluminescent (claims 2 and 4) to begin examination. Claim 15 is drawn to a method of using the product of claim 1-. As such, under the provisions of 35 U.S.C. §103(b) Applicants requests rejoinder of claim 15, upon a determination of novelty and unobviousness claims 1-14.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, PhD (Reg. No. 40,069) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants request a one (1) month extension of time for responding to the Restriction Requirement. The required fee is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Charles Gorenstein* *CG No 40, 062*
Charles Gorenstein, #29,271

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RESTRICTION ENZYME DIGESTION

SMALL ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, DC 20231

September 26, 2002

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☒ Petition for one (1) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$55.00 for the extension of time.
- ☐ No fee is required.
- ☒ Check(s) in the amount of \$55.00 is(are) enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

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Appl. No. 09/955,037

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Ma Amystry (By Dora Dora)
Charles Goreinstein, #29,271

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Attachment(s)

(Rev. 09/19/02)